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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,185	11/06/2000	Steven D. Tiley	3520-000808	8116

7590 03/10/2005

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EXAMINER

ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,185

Applicant(s)

TILEY ET AL.

Examiner

Nicholas D. Rosen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 1-50 have been examined.

Claim Objections

Claims 1-8, 49, and 50 are objected to because of the following informalities: It is recommended that in the preamble of claim 1, "A method" should be specified as "A computer-implemented method", to unambiguously place the method within the technological arts. In the thirteenth line of claim 1 (element (c)), "the primary product" lacks proper antecedent basis, as the product is not previously referred to as a primary product, and there is no mention of a secondary product. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: In the preamble, "steps of evaluating" should be "step of evaluating" to be compatible with claim 1, upon which claim 6 depends. Appropriate correction is required.

Claims 9-16 are objected to because of the following informalities: It is recommended that in the preamble of claim 9, "A method" should be specified as "A computer-implemented method", to unambiguously place the method within the technological arts. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: In the second line of claim 10, "the primary product" lacks proper antecedent basis, as the product is not previously referred to as a primary product, and there is no mention of a secondary product. Appropriate correction is required.

Claims 17-25 are objected to because of the following informalities: It is recommended that in the preamble of claim 17, "A method" should be specified as "A computer-implemented method", to unambiguously place the method within the technological arts. Appropriate correction is required.

Claim 25 is objected to because of the following informalities: The word "criteria" is properly the plural of "criterion". Therefore, at the end of claim 25, "a pre-specified weighing criteria" should be either "a pre-specified weighing criterion" or "pre-specified weighing criteria". Appropriate correction is required.

Claims 26-38, and 48 are objected to because of the following informalities: It is recommended that in the preamble of claim 26, "A method" should be specified as "A computer-implemented method", to unambiguously place the method within the technological arts. In the eighth line of claim 26, "the primary product" should be "the product", since there is no express antecedent basis for a *primary* product, and no mention of a secondary product. Appropriate correction is required.

Claim 28 is objected to because of the following informalities: The limitation of claim 28, "wherein such information is beyond that necessary" contradicts the limitation of claim 27, on which claim 28 depends, "wherein such information is necessary". Claim 28 should either be made directly dependent on claim 26, or rewritten to overcome this difficulty. (For examination purposes, claim 28 is treated as depending directly on claim 26.) Appropriate correction is required.

Claims 39-44 are objected to because of the following informalities: It is recommended that in the preamble of claim 39, "A method" should be specified as "A

computer-implemented method”, to unambiguously place the method within the technological arts. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 49, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the fifth line of claim 1, the phrase “each outlet may provide” is ambiguous in that it fails to specify that each outlet, or any outlet, actually provides or offers any listed benefit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (U.S. Patent 5,754,636). As per claim 39, Walker discloses a method of direct marketing to individuals visiting a store at a remote location for pick up or return of

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a pre-ordered product, comprising the steps of: receiving using a computer information about an individual prior to the store visit wherein such information includes data independent of that collected by the store based upon prior customer behavior with that store (Abstract; Figure 1B; column 2, line 66, through column 3, line 40; column 5, lines 1-17; column 6, lines 12-37; column 7, line 62, through column 8, line 3); and using this information to direct market to the individual before, during, or after the store visit (column 8, line 52, through column 9, line 3; note also column 11, lines 29-41).

As per claim 40, Walker discloses that the direct marketing is comprised of at least one from the group of a reduction in shipping cost, in-store credit, customized advertisements, and cross-selling opportunities (column 8, line 52, through column 9, line 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, 49, and 50 (PackageNet as primary reference)

Claims 1, 2, 3, 4, 6, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over articles on the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org) in view of the article "MICROSOFT: The Microsoft Plaza Brings Product Returns Convenience to Online Shoppers," hereinafter "Microsoft Plaza". As per claim 1, the PackageNet web site discloses a method of inducing a purchaser to visit a store at a remote location, the method comprising the steps of: (a) evaluating using a computer at least one retail outlet as a remote location, wherein each outlet may provide at least one benefit to the purchaser (see first page, and "Find the PackageNet Locations Nearest You" page); and wherein the at least one benefit to the purchaser is one from the group consisting of a reduction in shipping cost, in-store credit provided by the retail outlet or discount coupons provided by the retail outlet, wherein the in-store credit is not for the return of a product but is used to induce a purchaser to visit a particular retail outlet ("PackageNet's Superior Service and Value" page, paragraph under "Price"; also, if one retail outlet is located in a different zone from another, it can be expected to offer the benefit of a reduction in shipping cost); (b) selecting using a computer at least one of these remote locations as suitable to the purchaser (see first page, and "Find the PackageNet Locations Nearest You" page); and (c) identifying using a computer to the purchaser at least one of the retail outlets and least one associated benefit for pick up or return of the

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product (see first page, and "Find the PackageNet Locations Nearest You" page). The PackageNet web site does not expressly disclose (d) permitting the purchaser to select an outlet from those identified to pick up or return the product (although this could be considered implicit from generating a list of locations), but "Microsoft Plaza" teaches selecting the nearest store location (second paragraph); this article also pertains to PackageNet.

As per claim 2, "Microsoft Plaza" teaches arranging for the purchaser to pick up or return the product at the selected outlet (second and third paragraphs).

As per claim 3, the PackageNet web site discloses that one benefit to the purchaser is reduced shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price").

As per claim 4, the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price").

As per claim 6, the PackageNet web site discloses that one benefit to the purchaser is (f) the opportunity to use a remote location for package pickup or delivery (see first page, and "Find the PackageNet Locations Nearest You" page). Etc.

As per claim 50, the PackageNet web site discloses a reduction in shipping cost provided by the carrier ("PackageNet's Superior Service and Value" page, paragraph under "Price"; also, if one retail outlet is located in a different zone from another, it can be expected to offer the benefit of a reduction in shipping cost as compared to the more distant outlet, the reduction provided by the carrier).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the PackageNet web site and "Microsoft Plaza" as applied to claim 4 above, and further in view of official notice. The PackageNet web site does not disclose that the marketing variables comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier and history of purchaser's buying in similar prior transactions, but official notice is taken that it is well known for shipping costs to depend on the relative locations of the places shipped from and shipped to, and thus, as applied to shipping to or from a store, to store location. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the marketing variables to include store location, for the obvious advantage of having the shipping cost reflect distance shipped and other relevant factors.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the PackageNet web site and "Microsoft Plaza" as applied to claim 1 above, and further in view of official notice, for the same reasons set forth above with regard to claim 5.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the PackageNet web site and "Microsoft Plaza" as applied to claim 1 above, and further in view of official notice. The PackageNet web site does not disclose that a benefit to the purchaser is an in-store credit, but official notice is taken that it is well known to provide in-store credit to a purchaser returning a product, and to base such a credit on marketing variables including product purchased (the credit typically being the price paid for the product). Hence, it would have been obvious to one of ordinary skill in the

art of electronic commerce at the time of applicant's invention for a benefit to the purchaser to be an in-store credit, for the obvious advantages of keeping the good will of a purchaser whose purchase has proved unsatisfactory, and encouraging further purchases rather than necessitating cash payments while doing so; and for such a credit to depend upon marketing variables including product purchased, for the obvious advantage of returning an equivalent of the purchaser's payment, avoiding the problems of angering the purchaser by providing only a credit much smaller than the price, and losing money for the store by providing a credit much larger than the price paid.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over the PackageNet web site and "Microsoft Plaza" as applied to claim 1 above, and further in view of Walker et al. (U.S. Patent 6,754,636) and official notice. The PackageNet web site does not disclose that the reduction in shipping cost is provided by the retail outlet to the purchaser, but Walker teaches a retail outlet providing a lowered price to a purchaser of a product, the purchase arranged through a communication network (column 11, lines 16-41), and official notice is taken that it is well known for shipping cost to be part of the price of a product in a retail outlet. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the reduction in shipping cost to be provided by the retail outlet to the purchaser, for the stated advantage of generating additional traffic for the retail outlet.

Claims 1-8, 49, and 50 (Walker as primary reference)

Claims 1, 2, 6, 8, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent 6,754,636) in view of official notice. As per claim 1, Walker discloses a method of inducing a purchaser to visit a store at a remote location upon the purchase of a product from a supplier to pick up or return the product, the method comprising the steps of: (a) evaluating using a computer at least one retail outlet as a remote location, wherein each outlet may provide at least one benefit to the purchaser; (b) selecting, using a computer at least one of those remote locations as suitable to the purchaser (Figure 1B; column 2, line 66, through column 3, line 40; column 5, lines 1-17; column 7, line 62, through column 8, line 3); identifying using a computer to the purchaser at least one of the retail outlets and at least one associated benefit for pick up or return of the product (column 7, line 62, through column 8, line 51); and permitting the purchaser to select an outlet from those identified to pick up or return the product (column 8, lines 52-56). Walker does not disclose that the at least one benefit to the purchaser is one from the group consisting of a reduction in shipping cost, in-store credit provided by the retail outlet or discount coupons provided by the retail outlet, wherein the in-store credit is not for the return of a product but is used to induce a purchaser to visit a particular retail outlet, but does disclose that decreased price is a benefit (Abstract; column 7, line 62, through column 8, line 51), and official notice is taken that in-store credit and discount coupons are well known, and that shipping cost is typically part of the price of an item. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to for

the at least one benefit to be one of the group listed, for the obvious advantage of encouraging a purchaser to participate in the system, and visit a particular retail outlet.

As per claim 2, Walker discloses arranging for the purchaser to pick up or return the product at the selected outlet (Abstract; column 2, line 66, through column 3, line 40; column 7, line 62, through column 8, line 3).

As per claim 6, Walker discloses that one benefit to the purchaser is (f) the opportunity to use a remote location for package pickup or delivery (Abstract; column 2, line 66, through column 3, line 40; column 7, line 62, through column 8, line 3).

As per claim 8, Walker does not disclose that a benefit to the purchaser is an in-store credit, but official notice is taken that it is well known to provide in-store credit to a purchaser returning a product, and to base such a credit on marketing variables including product purchased (the credit typically being the price paid for the product). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a benefit to the purchaser to be an in-store credit, for the obvious advantages of keeping the good will of a purchaser whose purchase has proved unsatisfactory, and encouraging further purchases rather than necessitating cash payments while doing so; and for such a credit to depend upon marketing variables including product purchased, for the obvious advantage of returning an equivalent of the purchaser's payment, avoiding the problems of angering the purchaser by providing only a credit much smaller than the price, and losing money for the store by providing a credit much larger than the price paid.

As per claim 49, Walker discloses a retail outlet providing a lowered price to a purchaser of a product, the purchase arranged through a communication network (column 11, lines 16-41), and official notice is taken that it is well known for shipping cost to be part of the price of a product in a retail outlet. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the reduction in shipping cost to be provided by the retail outlet to the purchaser, for the stated advantage of generating additional traffic for the retail outlet.

Claims 3, 4, 5, 7, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and official notice as applied to claim 1 above, and further in view of the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org). As per claim 3, Walker discloses reduced cost, but not reduced shipping cost. However, the PackageNet web site discloses that one benefit to the purchaser is reduced shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one benefit to the purchaser to be reduced shipping cost, for the obvious advantages of having products shipped more cheaply, and/or attracting potential purchasers.

As per claim 4, the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention for the reduced shipping cost to be calculated based upon marketing variables, for the obvious advantages of adjusting the shipping cost in accordance with the actual costs and/or the motivation to attract a particular potential purchaser.

As per claim 5, Walker discloses that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier, and history of purchaser's buying in similar transactions (column 7, line 62, through column 8, line 51).

As per claim 7, this is unpatentable for essentially the same reasons set forth above in the rejection of claim 5.

As per claim 50, the PackageNet web site teaches a reduction in shipping cost provided by the carrier ("PackageNet's Superior Service and Value" page, paragraph under "Price"; also, if one retail outlet is located in a different zone from another, it can be expected to offer the benefit of a reduction in shipping cost as compared to the more distant outlet, the reduction provided by the carrier). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the reduction in shipping cost to be provided by the carrier, for the obvious advantages of charging less than the competition, and gaining business; and charging less to deliver to locations which can be reached more cheaply.

Claims 9-16 (PackageNet as primary reference)

Claims 9, 10, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over articles on the PackageNet web site as of April 20, 1999 (obtained

through the Wayback Machine, web.archive.org) in view of the article "MICROSOFT: The Microsoft Plaza Brings Product Returns Convenience to Online Shoppers," hereinafter "Microsoft Plaza", and official notice. As per claim 9, the PackageNet web site discloses a method of inducing a purchaser to visit a store at a remote location upon the purchase of a product from a supplier to pick up or to return the product, the method comprising the steps of: (a) identifying using a computer a plurality of remote locations as potential outlets (see first page, and "Find the PackageNet Locations Nearest You" page); (b) identifying using a computer a plurality of purchaser benefits that may be desired by a purchaser for selecting an outlet (first page, and "PackageNet's Superior Service and Value" page); and identifying to the purchaser one or more of the potential outlets, thereby presumably permitting the purchaser to select an outlet based on one or more benefits ("Find the PackageNet Locations Nearest You" page). "Microsoft Plaza" teaches selecting the nearest store location (second paragraph); this article also pertains to PackageNet. The PackageNet web site does not disclose evaluating each remote location relative to each purchaser benefit, but official notice is taken that it is well known to evaluate and list a set of locations, vendors, etc., relative to a plurality of benefits (price, schedule, location, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to evaluate each remote location relative to each purchaser benefit, and identify the correlation of the outlet to the benefits, for the obvious advantage of assisting the purchaser to determine the outlet most advantageous for him.

As per claim 10, "Microsoft Plaza" teaches arranging for the purchaser to pick up or return the product at the selected outlet (second and third paragraphs).

As per claim 11, the PackageNet web site discloses that one benefit to the purchaser is reduced shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price").

As per claim 12, the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price").

As per claim 14, the PackageNet web site discloses that one benefit to the purchaser is (a) a reduction in shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price"). The PackageNet web site also discloses (h) the opportunity to use a remote location for package pickup or delivery (see first page, and "Find the PackageNet Locations Nearest You" page). Etc.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the PackageNet web site, "Microsoft Plaza," and official notice as applied to claim 12 above, and further in view of Walker et al. (U.S. Patent 6,754,636). The PackageNet web site does not disclose that the marketing variables comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier, and history or purchaser's buying in similar prior transactions, but Walker teaches a retail outlet providing a lowered price to a purchaser of a product, the lowered price depending on the product purchased, the purchase arranged through a communication network (column 7, line 25, through column 8, line

26; column 11, lines 16-41), and official notice is taken that it is well known for shipping cost to be part of the price of a product in a retail outlet. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the marketing variables to comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier, and history or purchaser's buying in similar prior transactions, for the obvious advantage of encouraging visits to an outlet by purchasers likely to make purchases, or make large purchases, there.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the PackageNet web site, "Microsoft Plaza," and official notice as applied to claim 9 above, and further in view of Walker et al. (U.S. Patent 6,754,636), for essentially the same reasons set forth above in rejecting claim 13.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the PackageNet web site, "Microsoft Plaza," and official notice as applied to claim 9 above, and further in view of Walker et al. (U.S. Patent 6,754,636), for largely the same reasons set forth above in rejecting claim 13. The PackageNet web site does not disclose that a benefit to the purchaser is an in-store credit, but official notice is taken that it is well known to give in-store credits, making this an obvious way of encouraging the purchaser to make purchases at the outlet.

Claims 9-16 (Walker as primary reference)

Claims 9, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent 6,754,636). As per claim 9, Walker discloses a method of

inducing a purchaser to visit a store at a remote location upon the purchase of a product from a supplier to pick up or return the product, the method comprising the steps of: (a) identifying using a computer a plurality of remote locations as potential outlets (Abstract; Figure 1B; column 2, line 66, through column 3, line 40; column 5, lines 1-17; column 7, line 62, through column 8, line 3) (b) identifying using a computer a plurality of purchaser benefits that may be desired by a purchaser for selecting an outlet (column 7, line 32, through column 8, line 26); and (c) evaluating remote locations relative to purchaser benefits (column 7, line 32, through column 8, line 26), from which evaluating *each* remote location relative to *each* purchaser benefit is held to be obvious. Walker further discloses (d) identifying to the purchaser one or more potential outlets and correlation of the outlet to benefits, thereby permitting the purchaser to select an outlet based upon one or more benefits (column 8, line 32, through column 9, line 3).

As per claim 10, Walker discloses arranging for the purchaser to pick up or return the product at the selected outlet (Abstract; column 2, line 66, through column 3, line 40; column 7, line 62, through column 8, line 3).

As per claim 14, Walker discloses that one benefit to the purchaser is (f) the opportunity to use a remote location for package pickup or delivery (Abstract; column 2, line 66, through column 3, line 40; column 7, line 62, through column 8, line 3).

Claims 11, 12, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and official notice as applied to claim 9 above, and further in view of the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org). As per claim 11, Walker discloses reduced cost, but not

reduced shipping cost. However, the PackageNet web site discloses that one benefit to the purchaser is reduced shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one benefit to the purchaser to be reduced shipping cost, for the obvious advantages of having products shipped more cheaply, and/or attracting potential purchasers.

As per claim 12, the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the reduced shipping cost to be calculated based upon marketing variables, for the obvious advantages of adjusting the shipping cost in accordance with the actual costs and/or the motivation to attract a particular potential purchaser. .

As per claim 13, Walker discloses that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier, and history of purchaser's buying in similar transactions (column 7, line 62, through column 8, line 51).

As per claim 15, this is unpatentable for essentially the same reasons set forth above in the rejection of claim 13.

As per claim 16, neither Walker nor the PackageNet web site discloses that a benefit to the purchaser is an in-store credit, but official notice is taken that it is well

known to give in-store credits, making this an obvious way of encouraging the purchaser to make purchases at the outlet.

Claims 17-25

Claims 17, 18, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent 6,754,636) in view of official notice. As per claim 17, Walker discloses a method of inducing a purchaser to visit a store at a remote location upon the purchase of a product from a supplier to pick up or return the product, the method comprising the steps of: (a) identifying using a computer a plurality of remote locations as potential outlets (Abstract; Figure 1B; column 2, line 66, through column 3, line 40; column 5, lines 1-17; column 7, line 62, through column 8, line 3) (b) identifying using a computer a plurality of purchaser benefits that may be desired by a purchaser for selecting an outlet (column 7, line 32, through column 8, line 26); and (c) evaluating remote locations relative to purchaser benefits (column 7, line 32, through column 8, line 26), from which evaluating *each* remote location relative to *each* purchaser benefit is held to be obvious. Walker further discloses benefits to an outlet that may be desired by an outlet serving the purchaser (price provided to the outlet (column 8, line 4-26; additional traffic for the outlet, column 11, lines 35-41), but does not disclose identifying using a computer a plurality of such benefits. However, the benefit of additional traffic suggests division into the more specific benefits of additional purchases of various categories of other goods and services available in the outlet stores, and Walker discloses cross-marketing based on what is purchased (column 8, line 66, through column 9, line 3), while official notice is taken that it is well known to

evaluate using a computer a plurality of potential customers relative to such store benefits as what products they are likely to purchase; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to evaluate each purchaser relative to each outlet benefit, for the obvious advantage of determining which potential purchasers are likely to be worth inducing to visit an outlet, and which additional products it is likely to be worth to marketing to which potential purchasers.

Walker discloses (f) selecting using a computer one or more remote locations based upon purchaser benefits and implied outlet benefits (column 7, line 62, through column 8, line 51); and (h) identifying selected locations to the purchaser (column 8, lines 32-66). Walker does not disclose (g) assigning using a computer a weight to each purchaser benefit and each outlet benefit, but official notice is taken that it is well known to assign weights to benefits. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to assign using a computer a weight to each purchaser benefit and each outlet benefit, for the obvious advantage of assessing the relative benefits of different selections of outlets for purchasers, and selecting accordingly.

As per claim 22, Walker discloses that one benefit to the purchaser is (h) the opportunity to use a remote location for package pickup or delivery (Abstract; column 2, line 66, through column 3, line 40; column 7, line 62, through column 8, line 3).

As per claim 25, Walker does not disclose selecting only those outlets that meet a pre-specified weighing criterion, but official notice is taken that it is well known to

select only items or options which meet a pre-specified weighing criterion. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to select only those outlets that meet a pre-specified weighing criterion, for the obvious advantage of efficiently selecting those outlets likely to be most beneficial to a purchaser.

Claims 19, 20, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and official notice as applied to claim 9 above, and further in view of the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org). As per claim 19, Walker discloses reduced cost, but not reduced shipping cost. However, the PackageNet web site discloses that one benefit to the purchaser is reduced shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one benefit to the purchaser to be reduced shipping cost, for the obvious advantages of having products shipped more cheaply, and/or attracting potential purchasers.

As per claim 20, the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the reduced shipping cost to be calculated based upon marketing variables, for the obvious advantages of adjusting the

shipping cost in accordance with the actual costs and/or the motivation to attract a particular potential purchaser.

As per claim 21, Walker discloses that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier, and history of purchaser's buying in similar transactions (column 7, line 62, through column 8, line 51).

As per claim 23, this is unpatentable for essentially the same reasons set forth above in the rejection of claim 21.

As per claim 24, neither Walker nor the PackageNet web site discloses that a benefit to the purchaser is an in-store credit, but official notice is taken that it is well known to give in-store credits, making this an obvious way of encouraging the purchaser to make purchases at the outlet.

Claims 26-38 and 48

Claims 26, 27, 29, 30, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent 6,74,636). As per claim 26, Walker discloses a method of inducing a retail outlet to act as a remote location for product pickup or return by a purchaser, comprising the steps of: evaluating using a computer at least one retail outlet as a remote location, wherein each outlet may provide at least one benefit to the purchaser; (b) selecting, using a computer at least one of those remote locations as suitable to the purchaser (Figure 1B; column 2, line 66, through column 3, line 40; column 5, lines 1-17; column 7, line 62, through column 8, line 3); identifying using a computer at least one of the retail outlets and at least one associated benefit for

pick up or return of the product (column 7, line 62, through column 8, line 51); and permitting the purchaser to select an outlet from those identified to pick up or return the product (column 8, lines 52-56). Walker does not expressly disclose (e) assembling, using a computer, a purchaser profile based upon information about the purchaser, but this is implied by the disclosed use of information about the purchaser, such as the location of the purchaser (column 7, line 65), and information about the buyer which may be exchanged for a third-party subsidy (column 8, lines 20-26). Walker does not expressly disclose providing some or all of the information in the purchaser profile to the retail outlet for direct marketing by the retail outlet to the purchaser, but does disclose direct marketing to the purchaser involving the retail outlet (column 8, line 51, through column 9, line 3), which would scarcely be possible if the retail outlet had not received some information (e.g., information that the purchaser was buying a VCR, in order to make the offer to sell VCR tapes, as Walker discloses).

As per claim 27, Walker discloses using information necessary for processing a purchase order, viz. what product is to be purchased (column 8, line 51, through column 9, line 3).

As per claim 29, Walker discloses direct marketing to the purchaser based on information about the purchaser (column 8, line 51, through column 9, line 3).

As per claim 30, Walker discloses that the direct marketing may be performed before, during, or after the purchaser visits the selected retail outlet (column 8, line 51, through column 9, line 3).

As per claim 37, Walker discloses connecting marketing messages to the purchaser prior to, at the time of, or after product pick up column 8, line 31, through column 9, line 3).

Claims 28 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claim 26 above, and further in view of official notice. As per claim 28, Walker discloses subsidizing a purchase if the purchaser provides information, for example, submitting a credit card application (column 8, lines 15-26), and official notice is taken that credit card applications often require information not generally necessary to process a purchase order and deliver a product. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for assembling the profile to include extracting information beyond that necessary for processing the purchase order and delivery of the product, for the stated advantage of arranging a subsidy or the obvious advantage of performing direct marketing based on further information about a purchaser's finances, tastes, etc.

As per claim 36, Walker does not expressly disclose that a benefit to the purchaser is an in-store credit, but official notice is taken that in-store credit is well known. Walker does disclose that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, (column 7, line 62, through column 8, line 51). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a benefit to the purchaser to be in-store credit, for

the obvious advantage attracting potential purchasers, and profiting from further purchases of theirs at the outlet.

Claims 32, 33, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claim 26 above, and further in view of the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org). As per claim 32, Walker discloses reduced cost, but not reduced shipping cost. However, the PackageNet web site discloses that one benefit to the purchaser is reduced shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for one benefit to the purchaser to be reduced shipping cost, for the obvious advantages of having products shipped more cheaply, and/or attracting potential purchasers.

As per claim 33, the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the reduced shipping cost to be calculated based upon marketing variables, for the obvious advantages of adjusting the shipping cost in accordance with the actual costs and/or the motivation to attract a particular potential purchaser.

As per claim 34, Walker discloses that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser

location, time of product pick up or return, identity of supplier, and history of purchaser's buying in similar transactions (column 7, line 62, through column 8, line 51).

As per claim 35, Walker discloses reduced cost, but does not expressly disclose that a benefit to the purchaser is a reduction in shipping costs. However, the PackageNet web site discloses that one benefit to the purchaser is reduced shipping cost ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Walker does disclose that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return (column 7, line 62, through column 8, line 51). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a benefit to the purchaser to be reduced shipping cost, for the obvious advantages of having products shipped more cheaply, and/or attracting potential purchasers.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claim 30 above, and further in view of official notice. Walker does not expressly disclose that the direct marketing comprises providing to the purchaser at least one of the benefits from the group consisting of coupons, in-store credit, and reduced cost for shipping (although column 8, line 67, through column 9, line 3 could be interpreted as disclosing a coupon), but official notice is taken that coupons, in-store credit, and reduced shipping cost are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's

invention for the benefit to be one of that group, for the obvious advantage of attracting purchasers to a particular outlet.

Claims 38 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker as applied to claim 37 above, and further in view of official notice. As per claim 38, Walker does not expressly disclose that the marketing messages are based on information known to an administrator, at least if one does not regard the purchasing system device of Walker as an administrator. However, official notice is taken that it is well known for computer systems to have human administrators with access to data on the computer systems. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the marketing messages are based on information known to an administrator, as an obvious consequence of the presence of administrators in computer systems.

As per claim 48, Walker discloses that information about the purchaser involved in marketing messages comprises at least one of the purchaser's geographic location and the time within which the purchaser will be traveling to a certain retail outlet to pick up or drop off a product (column 7, line 62, through column 8, line 51); official notice is taken that a purchaser's identity may comprise the purchaser's geographic location.

Claims 39-44 (O'Brien as primary reference)

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (U.S. Patent 5,832,457) in view of Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?") and Garau ("Selling Better Bedding"). As per claim 39, O'Brien discloses (a) receiving using a computer

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information about an individual prior to a store visit (Abstract; Figure 1; column 4, line 66, through column 5, line 30); and (b) using this information to direct market to the individual before, during, or after the store visit (Abstract; columns 3 and 4). O'Brien does not disclose that the individual is visiting a store at a remote location for pick up or return of a pre-ordered product, but Galler discloses providing pick-up and return services inside stores (see five paragraphs beginning from "Packagenet, a Fairfield, Iowa, company"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to receive information about, and use it to perform direct marketing to, individuals visiting a store for pick-up or return of a pre-ordered product, for the obvious advantage of profiting from the sale of additional goods and/or services to individuals in a store for that reason.

O'Brien does not disclose that said information includes data independent of that collected by the store based upon prior customer behavior with that store, but it is well known for stores to direct market to potential customers based on information independent of that collected by those stores based upon prior customer behavior with those stores, as taught by Garau (three paragraphs beginning from "In selling the king"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the information to include such data, for the stated advantage of increasing sales by target marketing to persons who are not necessarily existing customers.

As per claim 40, O'Brien discloses that the direct marketing is comprised of providing at least one from the group of a reduction in shipping cost, in-store credit, customized advertisements, and cross-selling opportunities (Abstract; columns 3 and 4).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Galler, and Garau as applied to claim 40 above, and further in view of articles on the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org). Neither O'Brien, Galler, nor Garau discloses that the direct marketing is comprised of the step of providing a reduction in shipping cost based upon marketing variables, but the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a reduction in shipping cost based upon marketing variables, for the advantage, as in the PackageNet web site, of encouraging potential customers to use the service instead of a competitor's service.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Galler, Garau, and the PackageNet web site as applied to claim 41 above, and further in view of official notice. Neither O'Brien nor the PackageNet web site discloses that the marketing variables comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier and history of purchaser's buying in similar prior transactions, but official notice is taken that it is well known for shipping costs to depend on the relative locations

of the places shipped from and shipped to, and thus, as applied to shipping to or from a store, to store location. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the marketing variables to include store location, for the obvious advantage of having the shipping cost reflect distance shipped and other relevant factors.

Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Galler, and Garau as applied to claim 40 above, and further in view of official notice. O'Brien does not disclose that the direct marketing comprises the step of providing in-store credit based upon marketing variables, or that the marketing variables comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier and history of purchaser's buying in similar prior transactions, but official notice is taken that it is well known to provide in-store credit to a purchaser returning a product, and to base such a credit on marketing variables including product purchased (the credit typically being the price paid for the product). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a the direct marketing to comprise the step of providing in-store credit based upon marketing variables, including the product purchased, for the obvious advantages of keeping the good will of a purchaser whose purchase has proved unsatisfactory, and encouraging further purchases rather than necessitating cash payments while doing so; and for such a credit to depend upon marketing variables including product purchased, for the obvious advantage of returning an equivalent of the purchaser's payment,

avoiding the problems of angering the purchaser by providing only a credit much smaller than the price, and losing money for the store by providing a credit much larger than the price paid.

Claims 41-44 (Walker as primary reference)

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent 6,754,636) as applied to claim 40 above, and further in view of and further in view of articles on the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org). As per claim 41, Walker does not disclose that the direct marketing is comprised of the step of providing a reduction in shipping cost based upon marketing variables, but the PackageNet web site discloses that the reduced shipping cost is calculated based upon marketing variables (viz., package weight and insurance coverage) ("PackageNet's Superior Service and Value" page, paragraph under "Price"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a reduction in shipping cost based upon marketing variables, for the advantage, as in the PackageNet web site, of encouraging potential customers to use the service instead of a competitor's service.

As per claim 42, Walker discloses that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier, and history of purchaser's buying in similar prior transactions (column 7, line 62, through column 8, line 51). Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention for a benefit to the purchaser to be reduced shipping cost, for the obvious advantages of having products shipped more cheaply, and/or attracting potential purchasers.

Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent 6,754,636) as applied to claim 40 above, and further in view of official notice. As per claim 43, Walker does not disclose that the direct marketing comprises the step of providing in-store credit based upon marketing variables, but official notice is taken that it is well known to provide in-store credit to a purchaser returning a product, and to base such a credit on marketing variables including product purchased (the credit typically being the price paid for the product). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a the direct marketing to comprise the step of providing in-store credit based upon marketing variables, including the product purchased, for the obvious advantages of keeping the good will of a purchaser whose purchase has proved unsatisfactory, and encouraging further purchases rather than necessitating cash payments while doing so.

As per claim 44, Walker discloses that marketing variables may comprise at least one from the group of purchaser name, product purchased, store location, purchaser location, time of product pick up or return, identity of supplier, and history of purchaser's buying in similar prior transactions (column 7, line 62, through column 8, line 51). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a benefit to the purchaser to be

reduced shipping cost, for the obvious advantages of having products shipped more cheaply, and/or attracting potential purchasers.

Claims 45-47

Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien et al. (U.S. Patent 5,832,457) in view of Galler ("IP: NYT Digital Commerce: Is Delivery the Dealbreaker for E-Commerce?") and Garau ("Selling Better Bedding"). As per claim 45, O'Brien discloses (a) receiving information about an individual prior to a store visit (Abstract); and (b) using this information to direct market to the individual before, during, or after the store visit (Abstract; columns 3 and 4). O'Brien does not disclose that the individual is visiting a store at a remote location to send a product to or pick up a product sent from another destination, but Galler discloses providing pick-up and shipping services inside stores (see five paragraphs beginning from "Packagenet, a Fairfield, Iowa, company"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to receive information about, and use it to perform direct marketing to, individuals visiting a store for pick-up or shipping of a product, for the obvious advantage of profiting from the sale of additional goods and/or services to individuals in a store for that reason.

O'Brien does not disclose that said information includes data independent of that collected by the store based upon prior customer behavior with that store, but it is well known for stores to direct market to potential customers based on information independent of that collected by those stores based upon prior customer behavior with

those stores, as taught by Garau (three paragraphs beginning from "In selling the king"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the information to include such data, for the stated advantage of increasing sales by target marketing to persons who are not necessarily existing customers.

As per claim 46, O'Brien discloses that the direct marketing is comprised of providing at least one from the group of a reduction in shipping cost, in-store credit, customized advertisements, and cross-selling opportunities (Abstract; columns 3 and 4).

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, Galler, and Garau as applied to claim 46 above, and further in view of articles on the PackageNet web site as of April 20, 1999 (obtained through the Wayback Machine, web.archive.org). Claim 47 is parallel to claim 41, and rejected on the same grounds.

Response to Arguments

Applicant's arguments with respect to various claims have been considered but are moot in view of the new ground(s) of rejection.

As a minor but not entirely negligible matter, Applicant's attempts to overcome Examiner's objections to minor informalities have not been entirely correct. In claim 26, Applicant has amended "the primary product" to "the product" in the tenth line of the claim, in element (d), but the initial usage of "the primary product", which gave rise to the antecedent basis problem is in the eighth line of claim 26, in element (c).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Will et al. (U.S. Patent 6,688,435) disclose electronic ordering of goods with delivery by automatic drive-up storage device. Jacoves et al. (U.S. Patent 6,741,968) disclose a method for processing information through a clearinghouse. Shiimori (U.S. Patent 6,853,461) discloses a system and method for ordering printing of images, and system and method for printing edited images.

Squires ("Effective Credit Marketing: Recovering from the Recession" [Abstract]) discloses customer profile analysis for direct marketing. The anonymous article, "BTnet Background – The BTnet Network," discloses marketing products and services through obtaining profiles of potential customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. This telephone number is expected to change to 571-272-6762 on or about April 13, 2005. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

March 4, 2005